

Remarks

The Applicants respectfully request reconsideration in view of the following remarks. In the Office action dated July 10, 2008, the Examiner imposes a restriction requirement, separating pending claims 1-7, 10, 18-21 and 74-112 into two groups as follows.

Group I: claims 1-7, 10 and 74-88

Group II: claims 18-21 and 89-112

The Applicants respectfully disagree with the restriction requirement and the Examiner's characterizations of the claims. **The Applicants hereby elect the claims of group II (claims 18-21 and 89-112) with traverse.**

The Applicants agree that the claims of Group I are generally directed to types of "decoding" while the claims of Group II are generally directed to types of "encoding." The Applicants fail to understand, however, how this difference justifies the imposition of another restriction requirement in the application.

According to the MPEP, "Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations *do not overlap in scope* and are not obvious variants." MPEP 806.05(d), emphasis added. In view of the overlapping "fraction" language in the pending claims, the restriction requirement imposed by the Examiner is improper. The Applicants note that each of the pending claims includes language concerning a "fraction" that represents a "temporal distance position" (or "temporal position") for a current image relative to two reference images. To illustrate, the application as filed describes, for example, certain processing for direct mode macroblocks of bi-directionally predicted images, in which *either an encoder or a decoder* processes a "fraction" that represents a temporal distance position. *See, e.g.,* Application, pages 7-9 and 24-28.

In any case, "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." MPEP 803. The Examiner previously searched and examined "encoding" claims, claims to processing that could occur during "encoding" or "decoding," and a "decoding" claim. Moreover, given the overlapping "fraction" language of the respective pending claims, the claims in the two new groups should not require a different field of search.

The Applicants respectfully request that the restriction requirement be withdrawn.

The Applicants previously canceled claims 8, 9, 11-17 and 22-73 without prejudice.

Claims 1-7, 10, 18-21 and 74-112 should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By /Kyle B. Rinehart/
Kyle B. Rinehart
Registration No. 47,027

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301